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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/016,575	12/17/2001	Aamer Ahmad Sarfraz	AS-1-mv	3269
7590 Michael I. Kroll 171 Stillwell Lane Syosset, NY 11791			EXAMINER GRAHAM, CLEMENT B	
			ART UNIT 3692	PAPER NUMBER
			MAIL DATE 08/23/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/016,575	SARFRAZ ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Clement B. Graham	3692	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 March 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-28 and 31-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28, and 31-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. Claims 1-28 remained pending and claims 31-34 has been added and claims 29-30 has been cancelled.

### **Claim Rejections - 35 USC § 101**

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1, 15, and 31, are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Applicant's claims are directed to an algorithm. Specifically, claim 1 recites "receiving", "generating" and "determining" and establishing communication "and transmitting", however these steps are mere ideas in the abstract (i.e., abstract idea, law of nature, natural phenomena) that do not apply, involve, for example) and abstract ideas without a practical application are found to be non-statutory subject matter. Therefore, Applicant's claims are non-statutory as they do not produce a useful, concrete and tangible result.

### **Claim Rejections - 35 USC § 102**

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:  
A person shall be entitled to a patent unless –  
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
2. Claims 1-28, and 31-34, are rejected under 35 U.S.C. 102(e) as being anticipated by Lee U.S.

Pub: 2002/0152178A1.

As per claim 1, Lee discloses a system for transferring an electronic receipt a transaction from a point of sale location to a remote computer using a receipt card having an account number encoded thereon comprising :

- a. means for receiving point of sale data into identifying an item purchased and a purchase price
- b. means for entering/recording generating applicable unique transaction identification information (see Fig 2, and column 2 para 0019 and para 0020 and column

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3 para 0029-0034 and column 4 para 0042-0057)

- c. means for receiving a receipt card account number;
- d. means for determining a remote computer based on the received receipt card account number identification ;
- e. means for establishing a communications link with the remote computer; and
- f. means for transmitting the electronic receipt including said point of sale data, said receipt card account number, and said unique transaction identification information to the remote computer. (see Fig 2, and column 2 para 0019 and para 0020 and column 3 para 0029-0034 and column 4 para 0042-0057).

As per claim 2, Lee discloses wherein said means for receiving point of sale data includes a scanner configured to scan said item . (see Fig 2, and column 2 para 0019 and para 0020 and column 3 para 0029-0034 and column 4 para 0042-0057).

As per claim 3, Lee discloses wherein said means for receiving point of sale data includes means for processing said point of sale data in an of Internet online purchase. (see Fig 2, and column 2 para 0019 and para 0020 and column 3 para 0029-0034 and column 4 para 0042-0057).

As per claim 4, Lee discloses wherein said means for receiving point of sale data includes means for processing of at least one telephone purchase[ls]] utilizing the Public Switched Telephone Network. (see Fig 2, and column 2 para 0019 and para 0020 and column 3 para 0029-0034 and column 4 para 0042-0057).

As per claim 5, Lee discloses wherein said means ok: for receiving point of sale data includes means for recording and formatting a line item list processing of any means whereby the line item transaction data can be recorded and formatted for transmission to the remote computer. (see Fig 2, and column 2 para 0019 and para 0020 and column 3 para 0029-0034 and column 4 para 0042-0057).

As per claim 6, Lee discloses wherein said means of generating applicable unique transaction identification information includes means for preceding generating applicable unique transaction identification information including information selected from a group of information consisting of an identity of the retailer a transaction number, a gross amount, a sales tax the date, and the time. (see Fig 2, and

column 2 para 0019 and para 0020 and column 3 para 0029-0034 and column 4 para 0042-0057).

As per claim 7, Lee discloses wherein said means of enter-i~ for receiving the receipt card account number includes a card reader. (see Fig 2, and column 2 para 0019 and para 0020 and column 3 para 0029-0034 and column 4 para 0042-0057).

As per claim 8, Lee discloses wherein said means for receiving the receipt card account number includes means for processing for transmitting said account number via the Internet. (see Fig 2, and column 2 para 0019 and para 0020 and column 3 para 0029-0034 and column 4 para 0042-0057).

As per claim 9, Lee discloses wherein said means for receiving the receipt card account number includes means for processing for transmitting said account number the Public Switched Telephone Network. (see Fig 2, and column 2 para 0019 and para 0020 and column 3 para 0029-0034 and column 4 para 0042-0057).

As per claim 10, Lee discloses wherein said means of for receiving the receipt card account number includes means for recording and formatting said receipt card account number processing for transmission to the remote computer. (see Fig 2, and column 2 para 0019 and para 0020 and column 3 para 0029-0034 and column 4 para 0042-0057).

As per claim 11, Lee discloses wherein said means 0£ for determining the remote computer includes means for reading the identity of the remote computer off of the receipt card via a card reader, (see Fig 2, and column 2 para 0019 and para 0020 and column 3 para 0029-0034 and column 4 para 0042-0057).

As per claim 12, Lee discloses wherein said means for determining the remote computer includes means for reading a routing code that identifies the remote computer of said receipt card. (see Fig 2, and column 2 para 0019 and para 0020 and column 3 para 0029-0034 and column 4 para 0042-0057).

As per claim 13, Lee discloses wherein said means for determining the remote computer address includes means for selecting a remote computer's identity from a plurality of remote computer identities. (see Fig 2, and column 2 para 0019 and para 0020 and column 3 para 0029-0034 and column 4 para 0042-0057).

As per claim 14, Lee discloses wherein said means system for determining the remote computer includes means for recording and formatting said identity of the remote computer for transmission to the remote computer. (see Fig 2, and column 2 para 0019 and para 0020 and column 3 para 0029-0034 and column 4 para 0042-0057).

As per claim 15, Lee discloses a method of transferring an electronic receipt point of sale data for each item purchased in a transaction from a point of sale location to a remote computer using a receipt card having an account number embossed thereon comprising:

receiving point of sale data identifying an item  
purchased and a purchase price;

b. generating applicable unique transaction identification

information(see Fig 2, and column 2 para 0019 and para 0020 and column 3 para 0029-0034 and column 4 para 0042-0057)

c. receiving a receipt card account number including a  
routing code associated with the receipt card;

d. determining a remote computer based on the routing code address;

e. establishing a communications link with the remote computer; and

f. transmitting the electronic receipt including said point of sale data, said receipt card account number, and said unique transaction identification information to the remote computer. (see Fig 2, and column 2 para 0019 and para 0020 and column 3 para 0029-0034 and column 4 para 0042-0057).

As per claim 16, Lee discloses wherein said method of receiving point of sale data includes scanning a UPC code barcode. (see Fig 2, and column 2 para 0019 and para 0020 and column 3 para 0029-0034 and column 4 para 0042-0057).

As per claim 17, Lee discloses wherein said method of receiving point of sale data includes processing said point of sale data in an online purchase. (see Fig 2, and column 2 para 0019 and para 0020 and column 3 para 0029-0034 and column 4 para 0042-0057).

As per claim 18, Lee discloses wherein said method of receiving point of sale data includes processing a telephone purchase[[s]] utilizing via the Public Switched Telephone

Network. (see Fig 2, and column 2 para 0019 and para 0020 and column 3 para 0029-0034 and column 4 para 0042-0057).

As per claim 19, Lee discloses wherein said method of receiving point of sale data includes recording and formatting line item transaction data can be for transmission to [[a]] the remote computer. (see Fig 2, and column 2 para 0019 and para 0020 and column 3 para 0029-0034 and column 4 para 0042-0057).

As per claim 20, Lee discloses wherein said method of generating applicable unique transaction identification information including information selected from a group of information consisting of an identity of the retailer transaction a transaction number, a gross amount, a sales tax the date, and the time. (see Fig 2, and column 2 para 0019 and para 0020 and column 3 para 0029-0034 and column 4 para 0042-0057).

As per claim 21, Lee discloses wherein said method of receiving the receipt card account number includes reading the receipt card account number off of the receipt card via a card reader. (see Fig 2, and column 2 para 0019 and para 0020 and column 3 para 0029-0034 and column 4 para 0042-0057).

As per claim 22, Lee discloses wherein said method of receiving entering the receipt card account number includes transmitting information identifying said account number via the Internet. (see Fig 2, and column 2 para 0019 and para 0020 and column 3 para 0029-0034 and column 4 para 0042-0057).

As per claim 23, Lee discloses wherein said method of receiving entering the receipt card account number includes transmitting said account number via telephone using the Public Switched Telephone Network. (see Fig 2, and column 2 para 0019 and para 0020 and column 3 para 0029-0034 and column 4 para 0042-0057).

As per claim 24, Lee discloses wherein said method of receiving the receipt card account number includes recording and formatting said receipt card account number for any means whereby the receipt card account number can be recorded and formatted for transmission to the remote computer. (see Fig 2, and column 2 para 0019 and para 0020 and column 3 para 0029-0034 and column 4 para 0042-0057).

As per claim 25, Lee discloses wherein said method of determining the remote computer address includes reading the identity of the remote computer off of the receipt

card via a card reader (see Fig 2, and column 2 para 0019 and para 0020 and column 3 para 0029-0034 and column 4 para 0042-0057).

As per claim 26, Lee discloses wherein said method of determining the remote computer includes reading an address of a selected remote computer off of said receipt card. (see Fig 2, and column 2 para 0019 and para 0020 and column 3 para 0029-0034 and column 4 para 0042-0057).

As per claim 27, Lee discloses wherein said method of determining the remote computer includes selecting the identity of the remote computer from a plurality of remote computer identities. (see Fig 2, and column 2 para 0019 and para 0020 and column 3 para 0029-0034 and column 4 para 0042-0057).

As per claim 28, Lee discloses wherein said method of determining the remote computer includes recording and formatting said identity of the remote computer for transmission to a remote computer. (see Fig 2, and column 2 para 0019 and para 0020 and column 3 para 0029-0034 and column 4 para 0042-0057).

As per claim 31, Lee discloses a method of storing receipts comprising:  
maintaining a database of electronic receipts, each receipt associated with a receipt card account number, said receipt including a list of items purchased during a transaction and unique transaction identification information(see Fig 2, and column 2 para 0019 and para 0020 and column 3 para 0029-0034 and column 4 para 0042-0057)  
receiving a request to view a specific electronic receipt associated with a specific receipt card account number from a remote device; and  
transmitting information indicative of said specific electronic receipt to said remote device. (see Fig 2, and column 2 para 0019 and para 0020 and column 3 para 0029-0034 and column 4 para 0042-0057).

As per claim 32, Lee discloses wherein said receiving a request to view a specific electronic receipt from a remote device further comprises:  
receiving a request to view said specific electronic receipt from a computer system located at a business. (see Fig 2, and column 2 para 0019 and para 0020 and column 3 para 0029-0034 and column 4 para 0042-0057).

As per claim 33, Lee discloses wherein said receiving a request to view a specific



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electronic receipt from a remote device further comprises:

receiving a request to view said specific electronic receipt from a customer's computer system. (see Fig 2, and column 2 para 0019 and para 0020 and column 3 para 0029-0034 and column 4 para 0042-0057).

As per claim 34, Lee discloses wherein said unique transaction identification information further comprises:

the identity of the retailer who participated in said transaction, a transaction number, a gross amount, a sales tax, the date of said transaction, and the time of said transaction. (see Fig 2, and column 2 para 0019 and para 0020 and column 3 para 0029-0034 and column 4 para 0042-0057).

### **Conclusion**

#### **RESPONSE TO ARGUMENTS**

3. Applicant's argument filed 3/29/07 has been fully considered but they are moot in view of new grounds of rejection.

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clement B Graham whose telephone number is 571-272-6795. The examiner can normally be reached on 7am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough can be reached on 703-308-0505. The fax phone numbers

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for the organization where this application or proceeding is assigned are 571-273-8300 for regular communications and 703-305-0040 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

CG

Aug 13, 2007

  
FRANTZY POINVIL  
PRIMARY EXAMINER  
*Au 3692*